

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE CHARTER OAK FIRE INSURANCE  
COMPANY,

Plaintiff,

-v.-

OLD REPUBLIC INSURANCE COMPANY  
and BURGESS STEEL ERECTORS OF NEW  
YORK, LLC,

Defendants.

23 Civ. 05952 (JHR)

ORDER TO SHOW CAUSE

JENNIFER H. REARDEN, District Judge:

Plaintiff The Charter Oak Fire Insurance Company filed the Complaint in this action on July 11, 2023. ECF No. 1. Defendant Burgess Steel Erectors of New York, LLC was served with process on July 20, 2023. ECF No. 10. Its answer was therefore due on August 10, 2023. *See* Fed. R. Civ. P. 12(a)(1)(A)(i) (“A defendant must serve an answer . . . within 21 days after being served with the summons and complaint.”). To date, Defendant has not responded to the Complaint or otherwise appeared in this action. Plaintiff, however, has not obtained a certificate of default from the Clerk of Court or filed a motion for default judgment against Defendant.


Accordingly, by **September 20, 2023**, Plaintiff shall show cause why this action should not be dismissed for failure to prosecute. *See* Fed. R. Civ. P. 41. Plaintiff may show cause by properly submitting a motion for default judgment, in accordance with the Court’s Individual Rules and Practices in Civil Cases (available at <https://nysd.uscourts.gov/hon-jennifer-h-rearden>), which require obtaining a certificate of default by the Clerk of Court prior to filing a motion for default judgment. **Failure to submit a timely and proper motion for default judgment may result in dismissal without prejudice of this case under Federal Rule of Civil Procedure 41.** If or when a motion for default judgment is filed, the Court will enter a further

order setting a deadline for any opposition and reply and, if appropriate, scheduling a date and time for a default judgment hearing.

Plaintiff shall electronically serve a copy of this Order on Defendant within **two business days of the date of this Order** and shall file proof of such service **within three business days of the date of this Order**.

SO ORDERED.

Dated: September 11, 2023  
New York, New York

  
JENNIFER H. REARDEN  
United States District Judge